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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2405

MAY 24 1990

Ref: 8HWM-FF

MAY 21 1990

Mr. Dee Williamson
Monticello Project Manager
Department of Energy
Post Office Box 2567
Grand Junction, CO 81502-2567

Re: EPA and State Comments on the Monticello Mill Tailings site preliminary Record of Decision dated April 1990.

Dear Mr. Williamson:

This letter and attachments include EPA's and the State of Utah's comments on the Monticello Mill Tailings site Record of Decision (ROD). We should note that most of the comments were submitted in draft form on May 14, 1990, and that the comments submitted today clarify some inconsistencies that were brought up in discussions on May 15, and 16, 1990. We have also included a final schedule for review and finalization of the Record of Decision.

EPA concurs with those comments submitted by the State of Utah in its letter dated May 14, 1990, except as noted below. We would note; however, that because of other changes being recommended to this draft some of the specific comments submitted by the State may not be appropriate after the ROD is revised.

GENERAL COMMENTS - RECORD OF DECISION

The draft ROD follows the required format and is a significant improvement over the draft ROD submitted previously. However, EPA's review has identified additional material which is included in the RI/FS and need not be included in the ROD. The ROD should follow a logical progression to the selection of the remedy. This decision is supported or gleaned from information and data developed in the RI/FS. In particular, the ROD should reference the RI/FS and make use of concise summaries to avoid repeating or reiterating extensive sections of the RI/FS. The ROD needs to focus on the documentation of the decision.

We will identify some of the more specific changes that are required in the section that follows. However, before doing so we would like to provide some general comments on Chapters 6 - 10, that will attempt to focus the ROD to its intended purpose, the documentation of the decision.

Chapter 6 - Risk Assessment. Under separate cover we submitted specific comments on the risk assessment analysis

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(memorandum from Weis to Mushovic dated March 20, 1990). The comments included therein addressed the risk assessment as presented in the then current draft of the ROD. EPA believes that the risk assessment in the ROD should be a summary of site risks and needs to identify and discuss the potential exposure pathways. EPA believes that the text of Chapter 6 needs further revision to make it more succinct and readable to the public. We have included some specific comments in our edited version of the ROD.

Chapter 7 - Description of Alternatives. This chapter should identify those alternatives that have been retained for comparative analysis in Chapter 8. The introduction to this chapter will also facilitate a very brief discussion of alternatives that were determined, for whatever reason, to be unacceptable (i.e., this should include various treatment alternatives, containment in place, and also include a short discussion of those alternate repository locations which were dropped from further discussion in the FS).

Chapter 8 - Comparative Analysis of Alternatives. This chapter should provide an explanation of the criteria used to select the remedy, and an analysis of the remedial action alternatives in light of the nine key factors that CERCLA mandates. It should highlight the advantages and disadvantages of each alternative and provide a clear picture of the ultimate ranking of the alternatives. Under separate cover EPA transmitted a copy of the Comparative Analysis for the Whitewood Creek Superfund site which should provide you with direction for revision to this chapter.

Chapter 9 - Selected Remedy. The present format for this chapter looks good; however, we caution that DOE not be too specific in the criteria and standards for the repository (cell design) as any significant changes in cell design resulting from remedial design would require that the ROD be reopened to explain the changes. Section 9.2 will need to be revised to include the changes with regard to the remedy of Operable Unit II - Peripheral Properties.

Chapter 10 - Applicable or Relevant and Appropriate Requirements. We request that the ARARs analysis in the ROD be tailored to each operable unit. We would recommend that the analysis indicate: whether the ARAR is applicable or relevant and appropriate; and how the standards or identified clean up levels will be met by the remedy. Specifically, the ROD needs to clarify those standards from the Clean Water Act which are ARARs and how they will apply for Operable Units I and II. In particular we need to identify how ARARs apply to: the dewatering of tailings; surface water and ground water compliance at the repository; and finally, other waters removed during cleanup of soils in Operable Units I and II.

RECORD OF DECISION - SPECIFIC COMMENTS

The ROD should identify the Final Remedy for Operable Units I - Millsite Tailings and II - Peripheral Properties, and indicate that the remedy selected is consistent with the overall remedial action prepared (planned) for the site. Operable Unit III - Ground Water, will be addressed in a subsequent ROD.

The EPA concurs with the State's previously stated position and suggested wording for Operable Unit III - Ground Water. This will require that the ROD for Operable Unit III - Ground Water - not be prepared until such time as the source of contamination is removed, and a RI/FS can be completed on the Ground Water operable unit. At a minimum this will require further site characterization, data collection and analysis during source removal (Operable Units I and II), and the preparation of an updated health and risk assessment that complies with the current "Risk Assessment Guidance for Superfund: Volume I Human Health Evaluation Manual". We would request a statement in the ROD which comments to a ROD on Operable Unit III by 1998.

Operable Unit II - Peripheral Properties

Per our telephone discussion of May 9, 1990, we recommend the following changes to the proposed remedy for the Peripheral Properties. The proposed remedy should indicate that the cleanup for Operable Units I and II will meet 40 CFR Section 192.12 standards. EPA, DOE and the State of Utah agree that the peripheral properties be handled in the following manner:

- 1) The B-SS properties north of the millsite (i.e., 1 - 6) will be cleaned up to the 40 CFR Section 192.12 standards using conventional or environmentally sensitive methods.
- 2) For those B-SS properties south of the millsite (i.e., 7 - 9) EPA and the State of Utah will entertain Supplemental Standard applications.
- 3) EPA and the State of Utah will also entertain a Supplemental Standard application for the cemetery.
- 4) The Upper and Lower Montezuma Canyon (H-SS and I-SS) will be made part of Operable Unit III - Ground Water. EPA and the State of Utah agree that Supplemental Standards applications can be submitted for the Upper and Lower Canyons.
- 5) Appendix B is no longer applicable and will be deleted from the ROD along with any references to Appendix B.

The above section amends page 1 of the State of Utah's comments (letter of May 14, 1990). EPA notes that the Supplemental Standards applications for Operable Units I and II will be treated as changes to the Proposed Plan and will therefore require an Explanation of Significant Difference. Should the final remedy differ from the remedy identified in the ROD, (40 CFR 192 Section 192.12) then a fact sheet will need to be prepared (subject to public comment) during the remedial design phase, which will document and explain the change from that which was identified in the ROD.

Because of the change from the preferred remedy in the Proposed Plan, it will be necessary to include a discussion of the proposed change in the ROD. Chapter 9 Section 2 will need to be revised to reflect the changes made with regard to Operable Unit II - Peripheral Properties.

Wetlands Disturbance

There needs to be a section added that states "the remedy selected minimizes adverse impacts to wetlands and other waters of the U.S. through the avoidance of impacts to these areas and that where adverse impacts were unavoidable there is a determination of meeting the substantive requirements of the Clean Water Act and Executive Order 11988, and to mitigate unavoidable impacts to these areas through wetland restoration and creation projects and channel reconstruction."

Surface Water

The ROD must be specific as to how the surface water will be addressed in Operable Units I and II. How will the ARARs standards be complied with? What will be the ultimate criteria for surface water?

Milling By-Product- and Process-Related Material

EPA and the State of Utah remain concerned about the definition of Milling By-Product- and Process-Related Material and request that the DOE clarify or define this term in the ROD (see State of Utah's comment on page 2).

Hazardous Materials

EPA and the State of Utah are concerned that hazardous materials or substances that are not excluded from RCRA [i.e., 40 CFR section 261.4 (a) (ii) (4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.] may be encountered on-site and that any such hazardous materials or substances shall be remediated in accordance with applicable regulations including RCRA if it is determined to be an ARAR. EPA and the State of

Utah request that paragraph 3 page 24 and paragraph 5 page 26 be revised to reflect this determination.

PROPOSED SCHEDULE FOR ROD COMPLETION

In order to accommodate the review process for the ROD we would like to suggest the following schedule for submission of the ROD to EPA. This schedule should provide for interim reviews of the ROD and should still meet EPA's framework for completion of the ROD during the fiscal year. It calls for DOE to issue the final ROD on August 10, 1990. We should note that we are anticipating all signatures and ROD approval by late September. We suggest the following interim schedule of submittals:

5/14/90	Comments from EPA and the State submitted to DOE .
6/01/90	Copy to DOE Headquarters for concurrence. Copy to EPA and State - final program review - and forward to upper levels for initial review and concurrence.
6/08/90	EPA and State of Utah submit final program review comments.
6/29/90	Draft final ROD for upper level review includes EPA Headquarters ROD delegation consultation.
8/10/90	DOE issuance of final ROD to EPA and State.
8/24/90	EPA and state of Utah final approval (signature on ROD).

DOE final signature on ROD within 30 days of the
date of submittal with EPA and State signatures.

We hope that the above schedule will meet DOE's time requirements for internal review. We should note that we are anticipating all signatures and ROD approval by September 23, 1990.

We hope that DOE finds these comments useful in facilitating its completion of the ROD. We will be happy to provide guidance to you in finalizing the ROD or answering any questions that you may have regarding our comments.

Sincerely



Paul S. Mushovic
Remedial Project Manager

Attachments

cc: Silvernale
Johnson
Ross
Weis
Pennock
Gray
Peterson